

REMARKS

This Application has been carefully reviewed in light of the Official Action mailed May 19, 2005. In order to advance prosecution of the present Application, Claims 3-5 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 1-20 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter not clearly described in the specification. With respect to page 9, lines 4-10 of Applicant's specification as identified by the Examiner, the load balancer provides a private port number assigned to the gateway to the client. See page 9, lines 1-3 for confirmation. The gateway is assigned its private port number in the load balancer. Thus, the load balancer assigns private port numbers for its supported gateways. The term 'actual port number' in the claims has been replaced by the term 'defined port number' to be consistent with the specification. Therefore, Applicant respectfully submits that Claims 1-20 are in accordance with 35 U.S.C. §112, first paragraph.

Claims 1-20 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 3 has been amended to address matters raised by the Examiner. Therefore, Applicant respectfully submits that Claims 1-20 are in accordance with 35 U.S.C. §112, second paragraph.

Claims 1, 7-13, 15-17, and 19 stand rejected under 35 U.S.C. §102(e) as being anticipated by Brendel, et al. in view of Swildens, et al. Since two references are being used in this rejection, Applicant is treating this rejection as a 35 U.S.C. §103(a) rejection since only one prior art reference can be associated with a 35 U.S.C. §102(e) rejection. Independent Claims 1, 13, and 17 recite in general the ability for a load balancer to provide identifying information

associated with a gateway being managed by the load balancer to a client terminal. By contrast, the portion of the Brendel, et al. patent cited by the Examiner merely discloses caching of the IP address for a router load balancer 32 by its client browser 10. The Brendel, et al. patent does not disclose a capability for its client browser 10 to cache any information associated with a server 36. Thus, the Brendel, et al. patent provides no capability for a load balancer to provide identifying information associated with a gateway being managed by the load balancer to a client terminal as required in the claimed invention. Moreover, the Swildens, et al. patent does not include any additional disclosure combinable with the Brendel, et al. patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 1, 7-13, 15-17, and 19 are patentably distinct from the proposed Brendel, et al. - Swildens, et al. combination.

Claims 2-6, 14, 18, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brendel, et al. in view of Swildens, et al. and further in view of Kitai, et al. Since three references are being used in this rejection, Applicant is treating this rejection as a 35 U.S.C. §103(a) rejection since only one prior art reference can be associated with a 35 U.S.C. §102(e) rejection. Independent Claim 1, from which Claims 2-6 depend; Independent Claim 13, from which Claim 13 depends; and Independent Claim 17, from which Claims 18 and 20 depend, have been shown above to be patentably distinct from the Brendel, et al. patent. Moreover, the Swildens, et al. and Kitai, et al. patents do not include any additional disclosure combinable with the Brendel, et al. patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 2-6, 14,

18, and 20 are patentably distinct from the proposed Brendel, et al. - Swildens, et al. - of Kitai, et al. combination.

Applicant notes that the Examiner has failed to provide an indication that the documents cited in the Information Disclosure Statement of February 28, 2005 were considered during the examination of this Application. Applicant respectfully requests the Examiner to provide the appropriate indication that the documents submitted therewith have been considered.

CONCLUSION

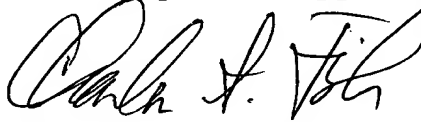
Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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